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13 GREGORY OLSEN, JERRY RAWLS, ROBERT  
STEPHENS, DOMINIQUE TREMPONT,  
14 STEPHEN WORKMAN, and JOSEPH YOUNG;  
and Nominal Defendant FINISAR CORPORATION  
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18  
19 In re FINISAR CORPORATION  
20 DERIVATIVE LITIGATION  
21

Master File No. C-06-07660-RMW

22 STIPULATION AND [XXXXXXXXXXXX]  
23 ORDER TO ENLARGE DEADLINE FOR  
DEFENDANTS TO FILE MOTIONS TO  
DISMISS SECOND AMENDED  
CONSOLIDATED VERIFIED  
COMPLAINT

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This Document Relates To All Actions.

## **STIPULATION**

WHEREAS, on May 12, 2008, Plaintiffs filed the Second Amended Consolidated Verified Shareholder Derivative Complaint (“Complaint”) in this action; and

WHEREAS, pursuant to the parties' Stipulation, which was then entered as an Order, Defendants were scheduled to answer or otherwise respond to the Complaint no later than June 24, 2008; and the parties had set up a briefing schedule should Defendants move to dismiss; and

WHEREAS, the Defendants (Finisar and the Individual Defendants, who are current or former officers and directors of Finisar) have determined that they will file motions to dismiss the Complaint; and

10 WHEREAS, Defendants have asked for one additional week to prepare the motions; and

11 ||| WHEREAS, Plaintiffs graciously agreed to this request; and

12 WHEREAS, the extension will not prejudice or change any Court date in this case, as no  
13 hearing date had yet been reserved for any motions;

14 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and  
15 Defendants, through their respective counsel of record subject to approval of the Court as follows:

16           1. Defendants shall file and serve their motions to dismiss the Complaint no later  
17 than July 1, 2008; and

18 2. Plaintiffs shall file and serve their opposition(s) no later than August 14, 2008; and

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3. Defendants shall file and serve their replies no later than September 15, 2008.

IT IS SO STIPULATED

Dated: June 20, 2008

DLA PIPER US LLP

By: /s/ David Priebe  
DAVID PRIEBE

Attorneys for Defendants  
DAVID BUSE, MICHAEL CHILD, JOHN  
DRURY, MARK FARLEY, ROGER  
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HUGHES, FRANK LEVINSON, JAN LIPSON,  
LARRY MITCHELL, GREGORY OLSEN,  
JERRY RAWLS, ROBERT STEPHENS,  
DOMINIQUE TREMPONT, STEPHEN  
WORKMAN, and JOSEPH YOUNG;  
*and* Nominal Defendant FINISAR  
CORPORATION

Dated: June 20, 2008

## COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP

By: /s/ Shawn A. Williams  
SHAWN A. WILLIAMS

SAXENA WHITE P.A.  
Joseph E. White

### Co-Lead Counsel for Plaintiffs

I, David Priebe, am the ECF user whose ID and password are being used to file this  
STIPULATION AND [PROPOSED] ORDER TO ENLARGE DEADLINE FOR  
DEFENDANTS TO FILE RESPONSE TO SECOND AMENDED CONSOLIDATED  
VERIFIED COMPLAINT. In compliance with General Order 45. X.B., I hereby attest that  
Shawn A. Williams has concurred in this filing.

/s/ David Priebe  
**DAVID PRIEBE**

## ORDER

Having considered the parties' Stipulation, and good cause appearing, the Court hereby GRANTS the parties' Stipulation.

1 IT IS SO ORDERED.  
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/s/ Ronald M. Whyte

3 DATED: 7/9/08

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THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE